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Paper No. 12

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JAN 29 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
JAKOB HOEPELMAN
Application Serial No.: 09/393,274
Filed: September 10, 1999
For: AUTHORIZATION CONTROL SYSTEM

DECISION
ON PETITION

This is a decision on the petition to withdraw the holding of abandonment filed August 19, 2003.

The petition is **GRANTED**.

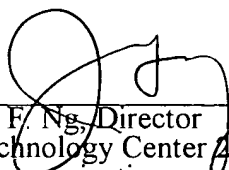
This application became abandoned for failure to timely reply to a final Office action mailed on November 25, 2002. A shortened statutory period of three (3) months was set for applicant to respond. On February 25, 2003, applicant filed a response in the form of a Request for Continued Examination (RCE) and entry of the after final amendment previously filed on January 29, 2003 (paper No. 8). However, in an advisory action dated July 30, 2003 (paper No. 9), the Office notified Applicant that the amendment would be entered upon the filing of an appeal. No further response was entered into the record within the period mentioned above and thus, the application was considered abandoned as of February 25, 2003.

Petitioner alleges to have timely filed a Request for Continued Examination (RCE). To support this position, Petitioner has included with the petition a copy of the RCE transmittal and USPTO receipt that is date stamped February 25, 2003, indicating PTO receipt of said reply before the expiration of the period for response.

The original papers filed were not matched with the file and cannot be located. However, M.P.E.P. 503 states, "[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the papers were timely filed in the Patent and Trademark Office but not matched with the application file.

Therefore, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The application will be forwarded to Technology Center's technical support staff for processing the RCE. From there, the file will be forwarded to the examiner for further consideration in due course.


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